

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

TIERRE J. PROBASCO,

Plaintiff,

v.

**WAL-MART STORES TEXAS, LLC,
MICHAEL GONZALEZ,**

Defendants.

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EP-17-CV-00203-FM

ORDER VACATING AWARD OF ATTORNEY'S FEES AND COSTS

On this day, the court considered the status of the above-captioned case. This order arises from the Fifth Circuit's opinion issued on March 22, 2019.¹ Therein, the Fifth Circuit held this court erred when it ordered an award of attorney's fees and costs in the amount of \$1,000.

Accordingly, the court **VACATES** the award of attorney's fees and costs as ordered in "Order Denying Defendant's Motion to Dismiss and Remanding Case" [ECF No. 18] and "Order Granting in Part Fees and Costs Pursuant to 28 U.S.C. § 1447" [ECF No. 25].

The award of attorney's fees and costs is **HEREBY VACATED**.

SO ORDERED.

SIGNED this 18 day of April, 2019.



**FRANK MONTALVO
UNITED STATES DISTRICT JUDGE**

¹ See *Probasco v. Wal-Mart Stores Texas, L.L.C.*, No. 18-50198 (5th Cir. Mar. 22, 2019).